

## **2005 DRAFTING REQUEST**

### **Bill**

Received: **01/17/2005**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Wood (608) 266-1194**

By/Representing: **Tony**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters: **chanaman  
mlief  
agary  
jkreye**

Subject: **Local Gov't - counties  
Real Estate - miscellaneous  
Probate - miscellaneous  
Bus. Assn. - miscellaneous  
Transportation - highways**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WoodJ@legis.state.wi.us**

Carbon copy (CC:) to: **joseph.kreye@legis.state.wi.us**

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Filing and recording items with a register of deeds; real estate descriptions; tax liens

---

### **Instructions:**

See Attached. Redraft, as modified, 2003 SB 365 (LRB -2423)

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers						Local
	01/17/2005						
	chanaman						
	01/17/2005						

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	mkunkel 01/20/2005			_____			
/1			rschluet 01/20/2005	_____	lemery 01/20/2005		Local
/2	mshovers 01/24/2005	csicilia 01/24/2005	jfrantze 01/25/2005	_____	mbarman 01/25/2005		Local
/3	mshovers 01/26/2005	csicilia 01/27/2005	rschluet 01/27/2005	_____	lemery 01/27/2005	lemery 01/28/2005	

FE Sent For:

<END>

→ At  
Intro.

**2005 DRAFTING REQUEST**

**Bill**

Received: 01/17/2005

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Wood (608) 266-1194**

By/Representing: **Tony**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters: **chanaman  
mlief  
agary  
jkreye**

Subject: **Local Gov't - counties  
Real Estate - miscellaneous  
Probate - miscellaneous  
Bus. Assn. - miscellaneous  
Transportation - highways**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WoodJ@legis.state.wi.us**

Carbon copy (CC:) to: **joseph.kreye@legis.state.wi.us**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Filing and recording items with a register of deeds; real estate descriptions; tax liens

---

**Instructions:**

See Attached. Redraft, as modified, 2003 SB 365 (LRB -2423)

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers						Local
	01/17/2005						
	chanaman						
	01/17/2005						

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	mkunkel 01/20/2005			_____			
/1			rschluet 01/20/2005	_____	lemery 01/20/2005		Local
/2	mshovers 01/24/2005	csicilia 01/24/2005	jfrantze 01/25/2005	_____	mbarman 01/25/2005		Local
/3	mshovers 01/26/2005	csicilia 01/27/2005	rschluet 01/27/2005	_____	lemery 01/27/2005		

FE Sent For:

<END>

## 2005 DRAFTING REQUEST

### Bill

Received: 01/17/2005

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters: chanaman  
mlief  
agary  
jkreye

Subject: Local Gov't - counties  
Real Estate - miscellaneous  
Probate - miscellaneous  
Bus. Assn. - miscellaneous  
Transportation - highways

Extra Copies:

Submit via email: YES

Requester's email: Rep.WoodJ@legis.state.wi.us

Carbon copy (CC:) to: joseph.kreye@legis.state.wi.us

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Filing and recording items with a register of deeds; real estate descriptions; tax liens

---

### Instructions:

See Attached. Redraft, as modified, 2003 SB 365 (LRB -2423)

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 01/17/2005 chanaman 01/17/2005	13 95	1/27 05				Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

mkunkel  
01/20/2005

\_\_\_\_\_  
\_\_\_\_\_

/1

rschluet  
01/20/2005

\_\_\_\_\_  
\_\_\_\_\_

lemery  
01/20/2005

Local

/2

mshovers  
01/24/2005

csicilia  
01/24/2005

jfrantze  
01/25/2005

\_\_\_\_\_  
\_\_\_\_\_

mbarman  
01/25/2005

13 MES 1/26/05

FE Sent For:

<END>

## 2005 DRAFTING REQUEST

### Bill

Received: 01/17/2005

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters: chanaman  
mlief  
agary  
jkreye

Subject: Local Gov't - counties  
Real Estate - miscellaneous  
Probate - miscellaneous  
Bus. Assn. - miscellaneous  
Transportation - highways

Extra Copies:

Submit via email: YES

Requester's email: Rep.WoodJ@legis.state.wi.us

Carbon copy (CC:) to: joseph.kreye@legis.state.wi.us

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Filing and recording items with a register of deeds; real estate descriptions; tax liens

---

### Instructions:

See Attached. Redraft, as modified, 2003 SB 365 (LRB -2423)

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 01/17/2005 chanaman 01/17/2005	1/2 gjs 1/24 05	Jb	Self 26			Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

mkunkel  
01/20/2005

\_\_\_\_\_  
\_\_\_\_\_

/1

rschluet  
01/20/2005

\_\_\_\_\_  
\_\_\_\_\_

lemery  
01/20/2005

12 MES 1/24/05

FE Sent For:

<END>



**2005 DRAFTING REQUEST**

**Bill**

Received: **01/17/2005**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Wood (608) 266-1194**

By/Representing: **Tony**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters: **chanaman**

~~makunel~~

**mlief**

**agary**

**JK**

Subject: **Local Gov't - counties  
Real Estate - miscellaneous  
Probate - miscellaneous  
Bus. Assn. - miscellaneous  
Transportation - highways**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WoodJ@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Filing and recording items with a register of deeds; real estate descriptions; tax liens

**Instructions:**

See Attached. Redraft, as modified, 2003 SB 365 (LRB -2423)

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

1?	mshovers	1 cjs 1/20					
1/1 MES 1/20/05		05					

FE Sent For:

**<END>**

## Shovers, Marc

---

**From:** Blodgett, Tony  
**Sent:** Tuesday, January 11, 2005 3:32 PM  
**To:** Shovers, Marc  
**Cc:** 'Licht@co.dane.wi.us'; Kramer, Aaron  
**Subject:** Draft request from Rep. Jeff Wood and Sen. Luther Olsen

Hi Marc,

Attached is the bill draft request for the Register of Deeds bill. Please let me know if you have any questions.

Thanks.

Tony Blodgett  
Legislative Aide  
Office of Rep. Jeff Wood  
(608) 266-1194: Office  
(608) 658-7720: Cell  
Tony.Blodgett@legis.state.wi.us



Reg of Deeds  
011105.doc

7 North State Capitol  
Post Office Box 8953  
Madison, WI 53708-8953  
(608) 266-1194  
Fax: (608) 282-3667

# JEFF WOOD

State Representative • 67th Assembly District

District: 1501 Miles Street  
Chippewa Falls, WI 54729  
(715) 726-9226  
Rep.Woodj@legis.state.wi.us  
Toll-Free: (888) 534-0067

## Bill Request

### Subject Area: Counties (Register of Deeds)

**Date:** Jan. 11, 2005

**Priority:** High

**Contact:** Tony, 6-1194

**Problem:** Last session, Senator Stepp introduced SB 365, an omnibus bill drafted at the request of the WI Register of Deeds Association. The bill failed to be enacted due to time restraints.

**Proposed Solution:** Rep. Jeff Wood and Senator Luther Olsen would like to introduce companion bills on behalf of the WI Register of Deeds Association to accomplish the goals that 2003-04 SB 365 would have accomplished, with the following changes to the language of 03-04 SB 365:

U Eliminate all of Sections: 2-3, 10

U Eliminate the following lines in Section 13: 21-23

Add the following provisions:

JK ✓ 1. Modify language regarding Assessor's Plats in 70.27(3)(a).  
We recently discovered that this law requires the register to reject deeds and mortgages with incorrect legal descriptions when the legals should reference Assessor's plats. Registers cannot make this determination at the time of recording and simply do not have time to research every deed and mortgage to see if the land is part of an assessor's plat. Following the letter of the law would bring our recording systems to a halt and derail our entire operations. Current practice has been for years to assume that the legal description on the document is correct and record the document. When the document is indexed into the tract index and an error is discovered, the document is returned with an error notice and it is the responsibility of the submitter to prepare a correction instrument. This system has worked well for many decades. The last sentence of this provision should be changed to "Any instrument dated and acknowledged after September 1, 1955, purporting to convey, mortgage or otherwise give notice of interest in land that is within or part of an assessor's plat shall describe the affected land by the name of the assessor's plat, lot, block, and/or outlot."

MES ✓ 2. Modify 59.43(2m) to exempt federal income tax lien form 688(Y)(c). This federal form does comply in most respects, and we realize that it is difficult for regional IRS representatives to modify their nation-wide form for a single state.

ARG 3. Modify 83.01(7)(g) to eliminate the requirement that

7 North State Capitol  
Post Office Box 8953  
Madison, WI 53708-8953  
(608) 266-1194  
Fax: (608) 282-3667

# JEFF WOOD

State Representative • 67th Assembly District

**District:** 1501 Miles Street  
Chippewa Falls, WI 54729  
(715) 726-9226  
Rep. Woodj@legis.state.wi.us  
Toll-Free: (888) 534-0067

information contained in the county highway register must be placed in the county register of deeds' office. Most counties prefer to keep this information either in their planning & development, surveyor's office or highway department. This is a separate set of documents that are not part of the real estate records repository in the register of deeds office. Instead the language should be changed to mandate that these records are kept together in a safe place and are accessible by the public without mention of the register of deeds.

**Special Requests:** Please make a companion draft for Sen. Olsen. Thanks.

2005 2003 SENATE BILL 365

, and maintenance of county highway registers

January 7, 2004 - Introduced by Senators STEPP, WELCH, RISSER and ROESSLER, cosponsored by Representatives LADWIG, HINES, KERKMAN, STONE, TURNER, GUNDERSON, J. LEHMAN, KESTELL, MILLER, OLSEN, ALBERS, GRONEMUS, TAYLOR, KRAWCZYK, AINSWORTH, HAHN, HUNDERTMARK, SUDER, MUSSER, BIES, VAN ROY, VRAKAS and OTT. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

- 1 AN ACT *to renumber* 236.295 (2); *to amend* 59.20 (3) (c), 236.25 (2) (a), 236.34  
2 (1) (c), 703.11 (2) (d), 867.045 (1) (j) and 867.046 (2) (i); *to repeal and recreate*  
3 59.43 (2) (ag), 59.43 (2) (ag) and 779.97 (5) (a); and *to create* 236.295 (2) (b) and  
4 706.01 (7r) of the statutes; **relating to:** the cutoff time for receipt of documents  
5 for filing and recording with a register of deeds and fees relating to federal tax  
6 lien filings.

***Analysis by the Legislative Reference Bureau***

Under current law, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public. Current law provides that this cutoff time may be set to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

The bill also makes technical changes to the recording of certain real estate and probate documents to facilitate and modernize recording and makes changes regarding the fee for filing and indexing federal liens and related documents to make the fee more uniform.

tax lien

**SENATE BILL 365**Insert AG  
ANAL

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 59.20 (3) (c) of the statutes is amended to read:

59.20 (3) (c) Any board may, by ordinance, provide that the cut-off reception time for the filing and recording of documents shall be advanced by one-half one hour in any official business day during which time the register of deeds office is open to the public, in order to complete the processing, recording, and indexing to conform to the day of reception. Any register of deeds may provide in his or her notice under s. 19.34 (1) that requests for inspection or copying of the records of his or her office may be made only during a specified period of not less than 35 hours per week. For all other purposes, the register of deeds office shall remain open to the public during usual business hours.

**SECTION 2.** 59.43 (2) (ag) of the statutes is repealed and recreated to read:

59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each additional page, except that no fee may be collected for recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b).

2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall control.

**SECTION 3.** 59.43 (2) (ag) of the statutes, as affected by 2003 Wisconsin Act ... (this act), is repealed and recreated to read:

59.43 (2) (ag) 1. For recording any instrument entitled to be recorded in the office of register of deeds, \$8 for the first page if the county maintains a land

SEC # CR; 59.43 (2m) (d) 4,  
59.43 (2m) (d) 4, Federal income tax lien form 688 (Y) (c).

## SENATE BILL 365

1 information office under s. 59.72 (3) and \$4 for the first page if the county does not  
2 maintain such an office, and \$2 for each additional page, except that no fee may be  
3 collected for recording a change of address that is exempt from a filing fee under s.  
4 185.83 (1) (b).

5 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall  
6 control.

7 **SECTION 4.** 236.25 (2) (a) of the statutes is amended to read:

8 236.25 (2) (a) It is ~~on muslin-backed white paper 22 inches wide by 30 inches~~  
9 ~~long and bears a department certification of no objection or it is reproduced with~~  
10 ~~photographic silver haloid image on double matt polyester film of not less than 4 mil~~  
11 ~~thickness, a permanent nonfading black image on durable white media that is 22~~  
12 ~~inches wide by 30 inches long, complies with the requirements of s. 59.43 (2m) (b) 4.,~~  
13 ~~and bears a department certification of no objection.~~ Seals or signatures reproduced  
14 on images complying with this paragraph shall be given the force and effect of  
15 original signatures and seals;

16 **SECTION 5.** 236.295 (2) of the statutes is renumbered 236.295 (2) (a).

17 **SECTION 6.** 236.295 (2) (b) of the statutes is created to read:

18 236.295 (2) (b) Notwithstanding par. (a), in a county that maintains a tract  
19 index pursuant to s. 59.43 (12m), a correction may be made by reference in the tract  
20 index to the plat or certified survey map.

21 **SECTION 7.** 236.34 (1) (c) of the statutes is amended to read:

22 236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
23 (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of  
24 not more than 500 feet to an inch, which shall be shown on each sheet showing layout  
25 features. The map shall be prepared with a binding margin 1.5 inches wide and a

INSERT  
3-6

INSERT  
3-6A



**SENATE BILL 365**

0.5 inch margin on all other sides on durable white paper ~~8 1/2 inches wide by 14 inches long with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 mil thickness which~~ media that is 8 1/2 inches wide by 14 inches long with a permanent nonfading black image. When more than one sheet is used for any map, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the map and showing the relationship of that sheet to the other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

**SECTION 8.** 703.11 (2) (d) of the statutes is amended to read:

703.11 (2) (d) All survey maps and floor plans submitted for filing shall be legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch margin on all other sides on durable white paper ~~14 inches in length and 22 inches in width with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 millimeter thickness and~~ media that is 14 inches long by 22 inches wide with a permanent nonfading black image. The maps and plans shall be drawn to a convenient scale.

**SECTION 9.** 706.01 (7r) of the statutes is created to read:

706.01 (7r) "Legal description" means a description of a specific parcel of real estate that is described in one of the following ways, whichever is appropriate:

(a) By one of the ways under s. 66.0217 (1) (c).

**SENATE BILL 365**

(b) By condominium name, unit number, and appurtenance number in a  
platted condominium development.

**SECTION 10.** 779.97 (5) (a) of the statutes is repealed and recreated to read:  
779.97 (5) (a) The fee for filing and indexing each notice of lien or certificate  
or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

**SECTION 11.** 867.045 (1) (j) of the statutes is amended to read:

867.045 (1) (j) In the case of real property, a copy of the property tax bill for the  
year preceding the year of the decedent's death and a legal description of the  
property, which description shall be imprinted on or attached to the application. The  
register of deeds shall record the bill. The required recording of the <sup>property</sup> tax bill may be  
waived by an agreement between the register of deeds and the county real property  
lister.

**SECTION 12.** 867.046 (2) (i) of the statutes is amended to read:

867.046 (2) (i) In the case of real property, a copy of the property tax bill for the  
year preceding the year of the decedent's death and a legal description of the  
property, which description shall be imprinted on or attached to the application. The  
register of deeds shall record the bill. The required recording of the <sup>property</sup> tax bill may be  
waived by an agreement between the register of deeds and the county real property  
lister.

**SECTION 13. Effective dates.** This act takes effect on the day after publication,  
except as follows:

(1) **FILING FEES.** The repeal and recreation of section 59.43 (2) (ag) (by SECTION  
3) of the statutes take effect on September 1, 2005.

(END)

Section #. 70.27 (3) (a) of the statutes is amended to read:

70.27 (3) (a) Reference to any land, as it appears on a recorded assessor's plat is deemed sufficient for purposes of assessment and taxation. Conveyance may be made by reference to such plat and shall be as effective to pass title to the land so described as it would be if the same premises had been described by metes and bounds. Such plat or record thereof shall be received in evidence in all courts and places as correctly describing the several parcels of land therein designated. After an assessor's plat has been made and recorded with the register of deeds as provided by this section, all conveyances of lands included in such assessor's plat shall be by reference to such plat. Any instrument dated and acknowledged after September 1, 1955, purporting to convey <sup>scored commg</sup> or mortgage any such lands ~~except by reference to such assessor's plat shall not be recorded by the register of deeds.~~ ←

History: 1977 c. 29 s. 1646 (3); 1979 c. 221, 248, 355, 361; 1983 a. 473; 1987 a. 172; 1989 a. 31, 56; 1991 a. 316; 1995 a. 27 ss. 3361, 3362, 9116 (5); 1997 a. 27, 99; 1999 a. 96; 1999 a. 150 s. 672.

or otherwise give notice of interest in land that is  
within or part of an

describe the affected land by the name of the  
assessor's <sup>plat</sup> plat, <sup>lot</sup> lot, <sup>outlot</sup> block, or outlot

**2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1738/linsAG  
ARG:.....

**INSERT ANAL:**

*delete extra space*

Under current law, a county highway commissioner, generally elected by the county board, is responsible, under the direction of the county highway committee, for all matters related to the construction and maintenance of county highways. Among other duties, the county highway commissioner must compile and maintain a "county highway register," which is a record of the laying out, alteration, or discontinuance of all highways in the county outside the limits of cities and villages. The county highway register must be kept in the manner or form prescribed by the Department of Transportation (DOT), and the information contained in the county highway register must be placed in the county register of deeds' office, but must be kept separate from the records of real estate and may not be included in the county register of deeds' indexes. The county highway register is not part of the official real estate records maintained by the county register of deeds.

This bill eliminates the requirement that information contained in a county highway register be kept in the county register of deeds' office. Instead, information contained in a county highway register must be kept together in a location within the county that provides a safe repository for records as determined by the county board and must be accessible to the public. The county highway register must also still be kept in the manner or form prescribed by DOT.

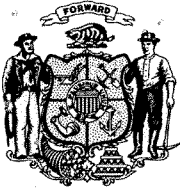
**INSERT 3-6A:**

**SECTION 1.** 83.01 (7) (g) of the statutes is amended to read:

83.01 (7) (g) The county commissioner shall compile and maintain a record of the laying out, alteration, or discontinuance of all highways in the county outside the limits of cities and villages. The record shall be known as the county highway register and be kept in the manner or form prescribed by the department. The county highway commissioner or agents shall have access to the records of town clerks and may have temporary custody of such as are necessary for the purpose of making accurate and appropriate copies thereof. The department shall assist in the compilation of the records and shall furnish to the county highway commissioner such information as the department deems appropriate relative to the laying out of military, territorial, and such other roads as have been authorized by the legislature.

The information contained in the county highway register shall be placed in the county register of deeds' office, which records shall be kept separate and apart from the records of real estate and shall in no event be indexed in indexes provided for ordinary real estate conveyance. Such register of deeds' office shall be used solely as a safe repository for such county highway register and shall never be considered a part of the official real estate records kept together in a location within the county that provides a safe repository for records as determined by the county board and shall be accessible to the public. Such county highway register may be supplemented from time to time by the county highway commissioner and such supplemental information is to be treated in the same fashion as the original county highway register all of which shall be admissible in evidence.

**History:** 1973 c. 262; 1977 c. 29 ss. 1654 (8) (c), (d), (f), 1656 (43); 1977 c. 273; 1981 c. 217; 1985 a. 29; 1985 a. 223 s. 5; 1989 a. 171; 1991 a. 316; 1995 a. 201; 1997 a. 35.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-1738/2

MS/ML/AG/JK/CH:cjs:rs

soon

RMK

2005 BILL

BAV

reagan

1 AN ACT *to renumber* 236.295 (2); *to amend* 59.20 (3) (c), 70.27 (3) (a), 83.01 (7)  
2 (g), 236.25 (2) (a), 236.34 (1) (c), 703.11 (2) (d), 867.045 (1) (j) and 867.046 (2) (i);  
3 and *to create* 59.43 (2m) (d) 4., 236.295 (2) (b) and 706.01 (7r) of the statutes;  
4 **relating to:** the cutoff time for receipt of documents for filing and recording  
5 with a register of deeds, fees relating to federal tax lien filings, and  
6 maintenance of county highway registers.

***Analysis by the Legislative Reference Bureau***

Under current law, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public in order to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

The bill also makes technical changes to the recording of certain real estate, tax lien, and probate documents to facilitate and modernize recording and makes changes regarding the fee for filing and indexing federal liens and related documents to make the fee more uniform.

Ed:  
LPS:  
only  
change

↑

**BILL**

Under current law, a county highway commissioner, generally elected by the county board, is responsible, under the direction of the county highway committee, for all matters related to the construction and maintenance of county highways. Among other duties, the county highway commissioner must compile and maintain a "county highway register," which is a record of the laying out, alteration, or discontinuance of all highways in the county outside the limits of cities and villages. The county highway register must be kept in the manner or form prescribed by the Department of Transportation (DOT), and the information contained in the county highway register must be placed in the county register of deeds' office, but must be kept separate from the records of real estate and may not be included in the county register of deeds' indexes. The county highway register is not part of the official real estate records maintained by the county register of deeds.

This bill eliminates the requirement that information contained in a county highway register be kept in the county register of deeds' office. Instead, information contained in a county highway register must be kept together in a location within the county that provides a safe repository for records as determined by the county board and must be accessible to the public. The county highway register must also still be kept in the manner or form prescribed by DOT.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 59.20 (3) (c) of the statutes is amended to read:

2           59.20 (3) (c) Any board may, by ordinance, provide that the cutoff reception time  
3 for the filing and recording of documents shall be advanced by ~~one-half~~ one hour in  
4 any official business day during which time the register of deeds office is open to the  
5 public, in order to complete the processing, recording, and indexing to conform to the  
6 day of reception. Any register of deeds may provide in his or her notice under s. 19.34  
7 (1) that requests for inspection or copying of the records of his or her office may be  
8 made only during a specified period of not less than 35 hours per week. For all other  
9 purposes, the register of deeds office shall remain open to the public during usual  
10 business hours.

11           **SECTION 2.** 59.43 (2m) (d) 4. of the statutes is created to read:

**BILL**

1           59.43 (2m) (d) 4. Federal income tax lien form 688 (Y) (c).

2           **SECTION 3.** 70.27 (3) (a) of the statutes is amended to read:

3           70.27 (3) (a) Reference to any land, as it appears on a recorded assessor's plat  
4 is deemed sufficient for purposes of assessment and taxation. Conveyance may be  
5 made by reference to such plat and shall be as effective to pass title to the land so  
6 described as it would be if the same premises had been described by metes and  
7 bounds. Such plat or record thereof shall be received in evidence in all courts and  
8 places as correctly describing the several parcels of land therein designated. After  
9 an assessor's plat has been made and recorded with the register of deeds as provided  
10 by this section, all conveyances of lands included in such assessor's plat shall be by  
11 reference to such plat. Any instrument dated and acknowledged after September 1,  
12 1955, purporting to convey or mortgage any such lands except by reference to such,  
13 or otherwise give notice on interest in land that is within or part of an assessor's plat  
14 shall not be recorded by the register of deeds describe the affected land by the name  
15 of the assessor's plat, lot, block, or outlot.

16           **SECTION 4.** 83.01 (7) (g) of the statutes is amended to read:

17           83.01 (7) (g) The county commissioner shall compile and maintain a record of  
18 the laying out, alteration, or discontinuance of all highways in the county outside the  
19 limits of cities and villages. The record shall be known as the county highway  
20 register and be kept in the manner or form prescribed by the department. The county  
21 highway commissioner or agents shall have access to the records of town clerks and  
22 may have temporary custody of such as are necessary for the purpose of making  
23 accurate and appropriate copies thereof. The department shall assist in the  
24 compilation of the records and shall furnish to the county highway commissioner  
25 such information as the department deems appropriate relative to the laying out of



**BILL****SECTION 4**

1 military, territorial, and such other roads as have been authorized by the legislature.  
2 The information contained in the county highway register shall be placed in the  
3 ~~county register of deeds' office, which records shall be kept separate and apart from~~  
4 ~~the records of real estate and shall in no event be indexed in indexes provided for~~  
5 ~~ordinary real estate conveyance. Such register of deeds' office shall be used solely~~  
6 ~~as a safe repository for such county highway register and shall never be considered~~  
7 ~~a part of the official real estate records kept together in a location within the county~~  
8 that provides a safe repository for records as determined by the county board and  
9 shall be accessible to the public. Such county highway register may be supplemented  
10 from time to time by the county highway commissioner and such supplemental  
11 information is to be treated in the same fashion as the original county highway  
12 register all of which shall be admissible in evidence.

13 **SECTION 5.** 236.25 (2) (a) of the statutes is amended to read:

14 236.25 (2) (a) It is on ~~muslin-backed white paper 22 inches wide by 30 inches~~  
15 ~~long and bears a department certification of no objection or it is reproduced with~~  
16 ~~photographic silver haloid image on double matt polyester film of not less than 4 mil~~  
17 ~~thickness, a permanent nonfading black image on durable white media that is 22~~  
18 ~~inches wide by 30 inches long, complies with the requirements of s. 59.43 (2m) (b) 4.,~~  
19 and bears a department certification of no objection. Seals or signatures reproduced  
20 on images complying with this paragraph shall be given the force and effect of  
21 original signatures and seals;

22 **SECTION 6.** 236.295 (2) of the statutes is renumbered 236.295 (2) (a).

23 **SECTION 7.** 236.295 (2) (b) of the statutes is created to read:

**BILL**

1           236.295 (2) (b) Notwithstanding par. (a), in a county that maintains a tract  
2           index pursuant to s. 59.43 (12m), a correction may be made by reference in the tract  
3           index to the plat or certified survey map.

4           **SECTION 8.** 236.34 (1) (c) of the statutes is amended to read:

5           236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
6           (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of  
7           not more than 500 feet to an inch, which shall be shown on each sheet showing layout  
8           features. The map shall be prepared with a binding margin 1.5 inches wide and a  
9           0.5 inch margin on all other sides on durable white paper ~~8 1/2 inches wide by 14~~  
10          ~~inches long with nonfading black image or reproduced with photographic silver~~  
11          ~~haloid image on double matt polyester film of not less than 4 mil thickness which~~  
12          media that is 8 1/2 inches wide by 14 inches long with a permanent nonfading black  
13          image. When more than one sheet is used for any map, each sheet shall be numbered  
14          consecutively and shall contain a notation giving the total number of sheets in the  
15          map and showing the relationship of that sheet to the other sheets. "CERTIFIED  
16          SURVEY MAP" shall be printed on the map in prominent letters with the location  
17          of the land by government lot, recorded private claim, quarter-quarter section,  
18          section, township, range and county noted. Seals or signatures reproduced on  
19          images complying with this paragraph shall be given the force and effect of original  
20          signatures and seals.

21          **SECTION 9.** 703.11 (2) (d) of the statutes is amended to read:

22          703.11 (2) (d) All survey maps and floor plans submitted for filing shall be  
23          legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch  
24          margin on all other sides on durable white paper ~~14 inches in length and 22 inches~~  
25          ~~in width with nonfading black image or reproduced with photographic silver haloid~~

**BILL****SECTION 9**

1 ~~image on double matt polyester film of not less than 4 millimeter thickness and~~  
2 media that is 14 inches long by 22 inches wide with a permanent nonfading black  
3 image. The maps and plans shall be drawn to a convenient scale.

4 **SECTION 10.** 706.01 (7r) of the statutes is created to read:

5 706.01 (7r) "Legal description" means a description of a specific parcel of real  
6 estate that is described in one of the following ways, whichever is appropriate:

7 (a) By one of the ways under s. 66.0217 (1) (c).

8 (b) By condominium name, unit number, and appurtenance number in a  
9 platted condominium development.

10 **SECTION 11.** 867.045 (1) (j) of the statutes is amended to read:

11 867.045 (1) (j) In the case of real property, a copy of the property tax bill for the  
12 year preceding the year of the decedent's death and a legal description of the  
13 property, which description shall be imprinted on or attached to the application. The  
14 register of deeds shall record the bill. The required recording of the property tax bill  
15 may be waived by an agreement between the register of deeds and the county real  
16 property lister.

17 **SECTION 12.** 867.046 (2) (i) of the statutes is amended to read:

18 867.046 (2) (i) In the case of real property, a copy of the property tax bill for the  
19 year preceding the year of the decedent's death and a legal description of the  
20 property, which description shall be imprinted on or attached to the application. The  
21 register of deeds shall record the bill. The required recording of the property tax bill  
22 may be waived by an agreement between the register of deeds and the county real  
23 property lister.

24 (END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-1738/2

MS/ML/AG/JK/CH:cjs:jf

2005 BILL

Stays

fur

SOON

repeal

1 AN ACT *to renumber* 236.295 (2); *to amend* 59.20 (3) (c), 70.27 (3) (a), 83.01 (7)  
2 (g), 236.25 (2) (a), 236.34 (1) (c), 703.11 (2) (d), 867.045 (1) (j) and 867.046 (2) (i);  
3 and *to create* 59.43 (2m) (d) 4., 236.295 (2) (b) and 706.01 (7r) of the statutes;  
4 **relating to:** the cutoff time for receipt of documents for filing and recording  
5 with a register of deeds, fees relating to federal tax lien filings, and  
6 maintenance of county highway registers.

---

***Analysis by the Legislative Reference Bureau***

Under current law, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public in order to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

The bill also makes technical changes to the recording of certain real estate, tax lien, and probate documents to facilitate and modernize recording.

Under current law, a county highway commissioner, generally elected by the county board, is responsible, under the direction of the county highway committee,

**BILL**

for all matters related to the construction and maintenance of county highways. Among other duties, the county highway commissioner must compile and maintain a "county highway register," which is a record of the laying out, alteration, or discontinuance of all highways in the county outside the limits of cities and villages. The county highway register must be kept in the manner or form prescribed by the Department of Transportation (DOT), and the information contained in the county highway register must be placed in the county register of deeds' office, but must be kept separate from the records of real estate and may not be included in the county register of deeds' indexes. The county highway register is not part of the official real estate records maintained by the county register of deeds.

This bill eliminates the requirement that information contained in a county highway register be kept in the county register of deeds' office. Instead, information contained in a county highway register must be kept together in a location within the county that provides a safe repository for records as determined by the county board and must be accessible to the public. The county highway register must also still be kept in the manner or form prescribed by DOT.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 59.20 (3) (c) of the statutes is amended to read:

2           59.20 (3) (c) Any board may, by ordinance, provide that the cutoff reception time  
3 for the filing and recording of documents shall be advanced by ~~one-half~~ one hour in  
4 any official business day during which time the register of deeds office is open to the  
5 public, in order to complete the processing, recording, and indexing to conform to the  
6 day of reception. Any register of deeds may provide in his or her notice under s. 19.34  
7 (1) that requests for inspection or copying of the records of his or her office may be  
8 made only during a specified period of not less than 35 hours per week. For all other  
9 purposes, the register of deeds office shall remain open to the public during usual  
10 business hours.

11           **SECTION 2.** 59.43 (2m) (d) 4. of the statutes is created to read:

12           59.43 (2m) (d) 4. Federal income tax lien form 688 (Y) (c).

**BILL**

1           **SECTION 3.** 70.27 (3) (a) of the statutes is amended to read:

2           70.27 (3) (a) Reference to any land, as it appears on a recorded assessor's plat  
3 is deemed sufficient for purposes of assessment and taxation. Conveyance may be  
4 made by reference to such plat and shall be as effective to pass title to the land so  
5 described as it would be if the same premises had been described by metes and  
6 bounds. Such plat or record thereof shall be received in evidence in all courts and  
7 places as correctly describing the several parcels of land therein designated. After  
8 an assessor's plat has been made and recorded with the register of deeds as provided  
9 by this section, all conveyances of lands included in such assessor's plat shall be by  
10 reference to such plat. Any instrument dated and acknowledged after September 1,  
11 1955, purporting to convey or, mortgage ~~any such lands except by reference to such,~~  
12 or otherwise give notice on interest in land that is within or part of an assessor's plat  
13 shall not be recorded by the register of deeds describe the affected land by the name  
14 of the assessor's plat, lot, block, or outlot.

15           **SECTION 4.** 83.01 (7) (g) of the statutes is amended to read:

16           83.01 (7) (g) The county commissioner shall compile and maintain a record of  
17 the laying out, alteration, or discontinuance of all highways in the county outside the  
18 limits of cities and villages. The record shall be known as the county highway  
19 register and be kept in the manner or form prescribed by the department. The county  
20 highway commissioner or agents shall have access to the records of town clerks and  
21 may have temporary custody of such as are necessary for the purpose of making  
22 accurate and appropriate copies thereof. The department shall assist in the  
23 compilation of the records and shall furnish to the county highway commissioner  
24 such information as the department deems appropriate relative to the laying out of  
25 military, territorial, and such other roads as have been authorized by the legislature.

**BILL****SECTION 4**

1 The information contained in the county highway register shall be placed in the  
2 county register of deeds' office, which records shall be kept separate and apart from  
3 the records of real estate and shall in no event be indexed in indexes provided for  
4 ordinary real estate conveyance. Such register of deeds' office shall be used solely  
5 as a safe repository for such county highway register and shall never be considered  
6 a part of the official real estate records kept together in a location within the county  
7 that provides a safe repository for records as determined by the county board and  
8 shall be accessible to the public. Such county highway register may be supplemented  
9 from time to time by the county highway commissioner and such supplemental  
10 information is to be treated in the same fashion as the original county highway  
11 register all of which shall be admissible in evidence.

12 **SECTION 5.** 236.25 (2) (a) of the statutes is amended to read:

13 236.25 (2) (a) It is on ~~muslin-backed white paper 22 inches wide by 30 inches~~  
14 ~~long and bears a department certification of no objection or it is reproduced with~~  
15 ~~photographic silver haloid image on double matt polyester film of not less than 4 mil~~  
16 ~~thickness, a permanent nonfading black image on durable white media that is 22~~  
17 ~~inches wide by 30 inches long, complies with the requirements of s. 59.43 (2m) (b) 4.,~~  
18 and bears a department certification of no objection. Seals or signatures reproduced  
19 on images complying with this paragraph shall be given the force and effect of  
20 original signatures and seals;

21 **SECTION 6.** 236.295 (2) of the statutes is renumbered 236.295 (2) (a).

22 **SECTION 7.** 236.295 (2) (b) of the statutes is created to read:

23 236.295 (2) (b) Notwithstanding par. (a), in a county that maintains a tract  
24 index pursuant to s. 59.43 (12m), a correction may be made by reference in the tract  
25 index to the plat or certified survey map.

**BILL**

1           **SECTION 8.** 236.34 (1) (c) of the statutes is amended to read:

2           236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
3           (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of  
4           not more than 500 feet to an inch, which shall be shown on each sheet showing layout  
5           features. The map shall be prepared with a binding margin 1.5 inches wide and a  
6           0.5 inch margin on all other sides on durable white paper ~~8 1/2 inches wide by 14~~  
7           ~~inches long with nonfading black image or reproduced with photographic silver~~  
8           ~~haloid image on double matt polyester film of not less than 4 mil thickness which~~  
9           media that is 8 1/2 inches wide by 14 inches long with a permanent nonfading black  
10          image. When more than one sheet is used for any map, each sheet shall be numbered  
11          consecutively and shall contain a notation giving the total number of sheets in the  
12          map and showing the relationship of that sheet to the other sheets. "CERTIFIED  
13          SURVEY MAP" shall be printed on the map in prominent letters with the location  
14          of the land by government lot, recorded private claim, quarter-quarter section,  
15          section, township, range and county noted. Seals or signatures reproduced on  
16          images complying with this paragraph shall be given the force and effect of original  
17          signatures and seals.

18          **SECTION 9.** 703.11 (2) (d) of the statutes is amended to read:

19          703.11 (2) (d) All survey maps and floor plans submitted for filing shall be  
20          legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch  
21          margin on all other sides on durable white paper ~~14 inches in length and 22 inches~~  
22          ~~in width with nonfading black image or reproduced with photographic silver haloid~~  
23          ~~image on double matt polyester film of not less than 4 millimeter thickness and~~  
24          media that is 14 inches long by 22 inches wide with a permanent nonfading black  
25          image. The maps and plans shall be drawn to a convenient scale.



# BILL

## SECTION 10

**SECTION 10.** 706.01 (7r) of the statutes is created to read:

706.01 (7r) “Legal description” means a description of a specific parcel of real estate that is described in one of the following ways, whichever is appropriate:

(a) By one of the ways under s. 66.0217 (1) (c).

(b) By condominium name, unit number, and appurtenance number in a  
platted condominium development.

**SECTION 11.** 867.045 (1) (j) of the statutes is amended to read:

867.045 (1) (j) In the case of real property, a copy of the property tax bill for the year preceding the year of the decedent's death and a legal description of the property, which description shall be imprinted on or attached to the application. The register of deeds shall record the bill. The required recording of the property tax bill may be waived by an agreement between the register of deeds and the county real property lister.

**SECTION 12.** 867.046 (2) (i) of the statutes is amended to read:

867.046 (2) (i) In the case of real property, a copy of the property tax bill for the year preceding the year of the decedent's death and a legal description of the property, which description shall be imprinted on or attached to the application. The register of deeds shall record the bill. The required recording of the property tax bill may be waived by an agreement between the register of deeds and the county real property lister.

**(END)**

## Emery, Lynn

---

**From:** Blodgett, Tony  
**Sent:** Friday, January 28, 2005 2:13 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-1738/3 Topic: Filing and recording items with a register of deeds; real estate descriptions; tax liens

It has been requested by <Blodgett, Tony> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1738/3 Topic: Filing and recording items with a register of deeds; real estate descriptions; tax liens